

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

P

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/739,990	12/18/00	CHANG	R 57165-5019

QM02/1011
ROD S. BERMAN, ESQ.
JEFFER, MANGELS, BUTLER & MARSHALL LLP
TENTH FLOOR
2121 AVENUE OF THE STARS
LOS ANGELES CA 90067

EXAMINER	
VAN, Q	
ART UNIT	PAPER NUMBER

3742 9

DATE MAILED: 10/11/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No.	Applicant(s)
	09/739,990	CHANG ET AL.
	Examiner	Art Unit
	Quang Van	3742

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
 THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 03 August 2001.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 37-39,43,44 and 46-48 is/are pending in the application.
- 4a) Of the above claim(s) 46-48 is/are withdrawn from consideration.
- 5) Claim(s) 37-39 and 43 is/are allowed.
- 6) Claim(s) 44 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

Allowable Subject Matter

1. The indicated allowability of claim 45 is withdrawn in view of a further consideration of reference Patent # 040687 cited by applicant. Rejections based on the further consideration of Patent # 040687 ~~as~~ follow.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claim 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chou (US 5,142,123), in view of Patent 542,350 both cited by applicant and further in view of Patent 040,687 also cited by applicant. Chou discloses an electric heat sealer comprising a housing (1), a press bar (2) pivotally connected to said housing (1), a heating unit (6) mounted a heat insulate base (63), the heat insulate base (63) mounted in said housing (1), a source of current (10), and circuitry electrically connection said heating unit and said source of current. However, Chou does not disclose a heating unit mounted in said press bar and a free end of said press bar is pivoted downwardly said metal press plate causes said circuit to close, wherein said metal press plate is secured to said press bar. Patent 542,350 shows an electric heat sealer having a heating unit (7) mounted in said press bar (1). Patent 040,687 shows a free end of a press bar (20) is pivoted downwardly a metal press plate (14) causes said circuit (15) to

circuit (15) to close, wherein said metal press plate is secured to a base (10). It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in Chou a heating unit mounted in said press bar as taught by Patent 542,350 in order to provide heat directly to the object from the top, and a free end of said press bar is pivoted downwardly said metal press plate causes said circuit to close as taught by Patent 040,687 in order to activate a heating mechanism. With regard to "said metal press plate is secured to said press bar", Patent 542,350 only shows said metal press plate is secured to a base (10) instead of a press bar. It would have been obvious to one having ordinary skill in the art at the time the invention was made to secure a metal press plate to a press bar, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

3. Claims 37-39 and 43 are allowed.
4. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record does not show or suggest a switch is mounted in said housing and wherein a portion of said switch protrudes above said housing and engages said metal press plate as recited in claim 37.

Response to Amendment

5. Applicant's arguments with respect to claim 44 have been considered but are moot in view of the new ground(s) of rejection.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang Van whose telephone number is 703-306-9162. The examiner can normally be reached on 8:30 to 7:00 T-F.

Application/Control Number: 09/739,990
Art Unit: 3742

Page 4

QV
QV

October 4, 2001

T. Walberg
Teresa Walberg
Supervisory Patent Examiner
Group 3700